

**AMENDMENTS TO THE DRAWINGS**

Applicant herewith submits 3 replacement drawings depicting 3 figures in response to the Notice to File Corrected Application Papers.

Attachment:           3 Replacement Sheets for Figures 1 - 3

## **REMARKS**

### **I. INTRODUCTORY REMARKS**

Applicant received a **second** Notice to File Corrected Application Papers on March 5, 2009. Subsequent to receiving the second Notice, Applicant spoke with the Office of Data Management regarding the situation of the application. The Office of Data Management instructed Applicant to resubmit the response of January 16, 2009. Applicant herewith submits this reply, a copy of the Notice, and a copy of the replacement drawings in response to the second Notice.

### **II. NOTICE TO FILE CORRECTED PAPERS**

The Notice to File Corrected Application Papers provides that the drawings filed on January 21, 2005 are incomplete. More specifically, the Notice provides that a fax machine stamp covers part of the drawing at the bottom of the sheet on Figure 4. Applicant respectfully submits that the Notice to File Corrected Application Papers was issued by the U.S. Patent and Trademark Office in error.

### **III. PROSECUTION HISTORY**

On January 21, 2005, the previous attorney representative of this application submitted a "Proposed Amendment." The Proposed Amendment included the addition of Figures 4-6 along with a detailed description of the Figures. The prosecution history of this file indicates that the Proposed Amendment was never entered. Therefore, Figures 4-

6 along with the detailed description of the figures should never have been added to the application. In the Office Communication of February 7, 2005, the U.S. Patent and Trademark Office recognizes that the Applicant submitted a proposed amendment. However, the Communication provides, "While this amendment may or may not overcome the rejections, it cannot be entered after the filing of an appeal brief, as per 37 CFR 41.33(b). To get this amendment entered, Applicant should cease appealing and file an RCE." Therefore, at the time Applicant submitted the Proposed Amendment, it was not entered into the record.

On March 5, 2007, Applicant, via Applicant's former attorney representation, submitted a Request for Continued Examination (RCE) with an Amendment. However, the Amendment submitted on March 5, 2007 was not the same as the Proposed Amendment of January 21, 2005 and did **not** include additional figures with descriptions. Therefore, the Notice of Allowance issued in this application should only allow Figures 1-3 to be printed with the patent to issue and only the descriptions of Figures 1-3 should be in the Specification of the patent to issue.

#### **IV. DRAWINGS SUBMITTED WITH THIS RESPONSE**

With the confusion regarding the Notice to File Corrected Application Papers, Applicant had higher quality formal drawings created for Figures 1 – 3. Therefore, Applicant herewith submits the higher quality formal drawings of Figures 1-3 with this Response. Applicant respectfully submits that no new matter is added with the

submission of the formal drawings. The formal drawings are merely sharper images of the Figures 1 – 3 already made of record in this application.

**V. CONCLUSION**

Applicant respectfully submits that the Notice to File Corrected Application Papers was issued in error for the foregoing reasons. Applicant herewith submits a copy of the Notice along with 3 formal replacement drawings of Figures 1-3.

Applicant respectfully submits that a full and complete reply has been made to the Notice and, as such, the present application is in condition for issuance. If the Office believes, for any reason, that personal communication will expedite prosecution of this application, the Office is hereby invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Response is respectfully requested.

Dated: April 8, 2009

Respectfully submitted,

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